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PATENT & TRADEMARK OFFICE
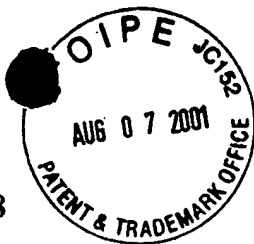
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Wendell W. ANTHONY

Group Art Unit: 2163

RECEIVED

AUG 1 0 2001

U.S. Serial No.: 09/077,456

Examiner: Irshadullah, M.

Group 2100

Filed: May 29, 1998

For: IMPROVED METHOD AND SYSTEM FOR PERFORMING BANKING TRANSACTIONS, INCLUDING HOME BANKING

APPEAL BRIEF

Box AF
Commissioner of Patents
Washington, D.C. 20231

Sir:

This is an Appeal Brief under 37 C.F.R. § 1.192 in connection with the decision

of the Examiner mailed on November 17, 2000, which was repeated in the Examiner's

decision mailed December 17, 2000. Each of the topics required by Rule 192 is

presented herewith and is labeled appropriately.

(1) Real Party In Interest

The real party in interest is Citibank, N.A.

(2) Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3)   Status Of Claims

Claims 1-55 are pending.

(4)   Status of Amendments

No amendment was filed subsequent to the final rejection.

(5)   Summary Of The Invention

The present invention provides an improved system and method for providing

remote banking transactions, including home banking, in an international environment.

Page 4, ll. 5-8. According to an embodiment of the present invention, the improved

system comprises User Software, a Server, a Router and a Service Provider. Page, 4, ll.

8-10. The User Software uses a graphical user interface which is consistent with the

interface used at other point of service locations, such as a customer activated terminal

(CAT) at a bank branch, ATM or kiosk any place in the world. Page 4, ll. 25-28. It also

allows the user to customize the configuration of the interface to a preferred language

and dialing options. Page 4, ll. 28-29. Thus, the improved system is sufficiently

versatile to permit different users in the same household to use different languages when

each accesses the terminal. Page 7, ll. 11-13. The Server is a collection of one or more

computers that connect the User Software to the Service Providers, and it executes

infrastructure and business or non-region specific application software. <u>Page 4, l. 30 – page 5, l. 2</u>.

According to an embodiment of the present invention, the improved system contains data compression and error correction and uses hardware located in the Server to perform encryption between the Server and the Service Provider. <u>Page 6, ll. 18-26</u>. It responds to the need for multi-lingual capabilities by enabling each user, during the User software configuration process, to select the language the user would like to use. <u>Page 7, ll. 8-10</u>. The improved system also incorporates standard connections between the terminals, such as home personal computers, and the host computer. Thus, regardless of the country in which the user resides, the user will be able to access the host computer through the standard gateway. <u>Page 7, ll. 16-19</u>.

(6) Issues

a) Whether the Examiner's rejection of claims 1-3, 6-22, 24-37, 40-51 and 53-55 under 35 U.S.C. 102(e) as being anticipated by Moss et al., U.S. Patent No. 5,485,370 is proper.

b) Whether the Examiner's rejection of claims 4, 5, 23, 38, 39, and 52 under 35 U.S.C. § 103(a) in view of Moss et al., U.S. Patent No. 5,485,370 is proper.

(7) Grouping of Claims

Claims 1-55 are arranged into 6 groups, wherein the claim(s) in each group stand or fall together for purposes of this appeal.

GROUP	CLAIMS
I	1, 6-30, 33-37, 40-51, 53-55
II	2, 31
III	3, 32
IV	4
V	5
VI	38-39, 52

(8) Argument

The Rejection of Claims 1-3, 6-22, 24-37, 40-51, and 53-55 Under 35. U.S.C. § 102(e)

as being anticipated by Moss et al., U.S. Pat. No. 5,4865,370 is Not Proper

The Examiner has finally rejected claims 1-3, 6-22, 24-37, 40-51, and 53-55 under 35 U.S.C. § 102(e) as being anticipated by Moss et al. (U.S. Pat. No. 5,485,370).

With regard to Group I (claims 1, 6-30, 33-37, 40-51, 53-55), it recites a method for providing remote access to financial services, including a first user interface displayed on the ATM and a second user interface displayed on the home banking terminal being substantially the same. Claim 1, ll. 7-8; claim 6, ll. 3-7; claim 30, ll. 4-10; claim 33, ll. 4-10. The Examiner asserts that Moss et al. disclose this claimed feature at: Fig. 10 (1, 4, 19, 60, and 60c); Abstract, ll. 4-7; col. 18, l. 24; col. 29, ll. 57-62; and Fig. 15 (any of 584, 586, and 588). Final Rejection (12/07/01), page 3, last 4 lines. The Examiner justifies this assertion by stating,

"Moss et al's Fig. 10, elements 1, 4, and 19 which clearly depict, Home terminal (1) with display 4, and a PC (19) having a display. The two devices are linked to 60, 60A and 60B, when viewed with Moss et al's Fig. 15, which clearly shows 580 (SERVER WORKSTATION) connected via LAN 582 to 584, 586, 588 etc. and viewed together with col 29, lines 57-62 (which unequivocally recites that a banking transaction is taking place via an ATM or a telephone computer (Moss et al's Abstract, lines 1-4). Further, it needs no mentioning that the Moss et al's system is for International use (col 29, lines 38-42), hence, the screens of Moss et al's Fig. 16 would display a window (first user interface) to German user in German language (version) on forementioned ATM or home banking phone computer/terminal and to an English user (on his PC or home banking terminal) in English (version), and *the two screens would display the same or substantially the same things on their respective screens.*" [Sic] Final Rejection (12/07/01), page 17-18 (emphasis added).

As stated in Applicants' previous response dated August 30, 2000, there is no disclosure or suggestion in the Moss et al. reference of a first user interface displayed on the ATM and a second user interface displayed on the home banking terminal that are substantially the same, as recited in the claims of Group I. In response to the Examiner's citation to portions of the Moss et al. reference, Fig. 10 merely shows a telephone-computer 1 having a display 4 and a PC terminal 19 having a separate monitor display. There is no mentioning in the reference that the telephone-computer display 4 and the PC monitor display have substantially the same user interface. Likewise, Fig. 15 merely illustrates a local area network (LAN), with server workstation 580 connected via a LAN 582 to workstations 584 and 586 and PC 588 (col. 29, 1-5). Indeed, Fig. 15 does not even show an ATM as part of the LAN network or connected to the LAN 582. Furthermore, the Examiner cites col. 29, 58-62 of Moss et al., which states,

"In a preferred embodiment relating to banking services, these messages are transaction-oriented, and are the messages which pass to and from the hosts to

gather information from and send information to the banking customer at an ATM or telephone computer." (Emphasis added).

The fact that information is gathered from and sent to the banking customer at an ATM or telephone computer does not mean that the ATM and the telephone computer display substantially the same user interface, as recited in the claims of Group I. At best, as admitted by the Examiner, "the two screens would display the same or substantially the same things on their respective screens." Final Rejection, page 18. ll. 9-10. In other words, although the screens of the ATM and the telephone computer in Moss et al. may display the same information, it cannot be assumed that such information is substantially displayed with the same user interface on the ATM and the telephone computer, as defined and claimed by the present invention. Displaying the same information does not correspond to displaying the same user interface with the same or different information. Likewise, as stated by the Examiner, the mere showing in Moss et al. that the screens of Moss et al.'s Fig. 16 would display a window (first user interface) to a German user in German language on the ATM or home banking phone computer/terminal and to an English user (on his PC or home banking terminal) in English language does not indicate that the ATM and the home banking terminal display substantially the same user interface.

With regard to Group II (claims 2 and 31), it recites a method for allowing a first user to gain remote access to financial services, including displaying information on the remote terminal in a language selected by the first user *"during a configuring use of the*

remote terminal" <u>Claim 2, l. 7</u>; <u>claim 31, ll. 7-8</u> (emphasis added). The Examiner

asserts that Moss et al. disclose this claimed feature by stating,

> "Applicant will appreciate that when a German user would configure his
> computer/terminal etc., he would first select the language and the [sic] would see
> that information during configuration would be displayed in the language
> (German) he selected." <u>Final Rejection (12/07/01), page 18, ll. 12-14</u>.

As stated in Applicants' previous response dated August 30, 2000, there is no

disclosure or suggestion in the Moss et al. reference of displaying information on a remote

terminal in a language selected by a first user during a configuring use of the remote

terminal, as recited in the claims of Group II. Indeed, the Examiner's language in the

rejection of these claims, as repeated above, suggests that such language is more

appropriate for an obviousness rejection under 35 U.S.C. 103(a) than an anticipatory prior

art rejection under 35 U.S.C. 102(e). To that extent, the Examiner will appreciate that it is

standard practice in the technology industry to have computers and/or electronic terminals

destined for a particular country (e.g., Germany) to be *pre-configured* with the language of

that particular country (e.g., German). Thus, a user in that country (e.g., German user)

does not have to first configure and select the language of choice for his or her

computer/terminal.

With regard to Group III (claims 3 and 32), as claims 3 and 32 are dependent

from claims 2 and 31, respectively, the discussion above likewise applies to claims 3 and

32. Further, claims 3 and 32 recite that the remote terminal can distinguish between the

first user and the second user during subsequent accessing of financial services and

display the language previously selected by that user. Claim 3, ll. 3-6; claim 32, ll. 3-6.

The Examiner asserts that Moss et al. disclose this claimed feature at Figs. 16-17 and col.

29, ll. 45-54. Final Rejection (12/07/01), page 4, last 2 lines. These cited portions in

Moss et al. merely discuss different language versions of a main English version of an

application program. Thus, as stated in Applicants' previous response dated August 30,

2000, the Moss et al. reference does not disclose or suggest the displaying of information

in a second language selected by a second user and distinguishing between the first and

second user to display information in the previously selected language, as recited in the

claims of Group III.

For the reasons stated above, the Applicant respectfully requests that the Board

recognize the deficiencies in the Examiner's rejection of the claims, reverse the

Examiner's final rejection, and allow claims 1-3, 6-22, 24-37, 40-51, and 53-55.

The Rejection of Claims 4, 5, 23, 38, 39, and 52 Under 35 U.S.C. § 103(a) in View of Moss et al. (U.S. Pat. No. 5,485,370) is Not Proper

The Examiner has finally rejected claims 4, 5, 23, 38, 39, and 52 under 35 USC §

103(a) as being unpatentable over Moss et al. (U.S. Pat. No. 5,485,370).

With regard to Group IV (claim 4), it recites a method for allowing a plurality of

users to remotely access the financial services of at least one service provider, including:

providing a uniform connection between the remote terminals and a standard

international host; and providing business applications resident on the standard

international host, where the configuration of the applications is controlled at the standard international host; and providing data compression for communications. <u>Claim 4, ll. 5-9</u>. Providing the uniform connection between the remote terminals to a standard international host includes "standard connections between the terminals . . . and the host computer. Thus, regardless of the [country] in which the user resides, the user will be able to access the host computer through the standard gateway. . . [T]he standard gateway involves a standard front-end processor between a host computer and the terminal. The use of this standard front-end processor permits any terminal to communicate with any of the host computers of the financial institution worldwide." <u>Specification, page 7, ll. 16-24</u>. The Examiner further asserts that Moss et al. at col. 19, ll. 1-54 teaches providing the uniform connection between the remote terminal. <u>Final Rejection (12/07/01), col. 19</u>. However, a reading of col. 19, ll. 23-26, indicates that the "accessing of the various service computers 60a-d and countless others, requires that the network host computer be enabled to communicate according to a like variety of protocols." In other words, there is no uniform connection because of the variety of protocols that the server at the network host computer must use to communicate with other service computers. Thus, the Moss et al. reference as a whole, including those portions cited by the Examiner, does not disclose or suggest the uniform connection as recited by claim 4.

Furthermore, the providing and controlling of the configuration of the business applications at the standard international host "helps ensure that security can be

effectively managed by isolating the primary tools used by the user software in a single location. Furthermore, system upgrades and configuration management are simplified. Likewise, maintaining a unified projection to a variety of users is also possible. Numerous individual business applications reside on the Server in modular format, allowing the addition or subtraction of applications as desired." Id. at page 5, ll. 20-25. The Moss et al. reference discusses "different 'versions' of the same applications program. . . the applications program. . . is considered the 'main version,' and any versions designed for use by customers using languages other than English are considered supplemental 'versions.'" Moss et al., col. 29, ll. 43-50. Rather than the single configuration of the plurality of business applications recited by claim 4, by disclosing the multiple and different 'versions' of the same applications program, the Moss reference discloses and suggests multiple configurations of the same business application. Thus, the Moss et al. reference as a whole, including those portions cited by the Examiner, does not disclose or suggest the providing and controlling of the configuration of the business applications at the standard international host as recited by claim 4.

With regard to Group V (claim 5), claim 5 is dependent from claim 4, and therefore the above discussion applies to this claim as well. Further, claim 5 recites that configuring the user's software includes selecting a language. As discussed above, the Moss et al. reference in its Fig. 17 and col. 29, ll. 46-49 discusses different "versions" of the same applications program for use by customers using languages (e.g., German)

other than English. However, it does not disclose or suggest configuring the user

software to reflect each user's preferences, including selecting a language, as recited in

claim 5. Applicants have pointed out this difference between the features of claim 5 and

the Moss et al. reference in Applicants' previous response dated August 30, 2000. Yet,

the Examiner has maintained the same rejection of claim 5 from the first rejection dated

June 7, 2000, without commenting and/or rebutting the aforementioned difference set

forth by Applicants.

With regard to claim 23, which is part of Group I, it is dependent from claims 6

and 11, and thus the above discussion relating to these claims also applies.

With regard to Group VI (claims 38, 39, and 52), these claims are dependent

from claim 33, and thus the above discussion relating to that claim also applies here.

Further, claims 49 and 52-53 are dependent from claim 35, which is also dependent from

claim 33, and recite components of a server. Further, claims 38 and 39 further recite a

system to include a router and a small financial CAT gateway router, respectively. Also,

claim 49 further recites the business application allowing the user to generate a

transaction journal. Additionally, claims 52 and 53 further recite the business

application allowing the user to order checks and print account statements, respectively.

The combination of features recited in claims 38-39, 49, 52-53 are not disclosed or

suggested by the Moss et al. reference.

For the reasons stated above, the Applicant respectfully requests that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's final rejection, and allow claims 4, 5, 23, 38, 39, 52.

(9)   Conclusion

For at least the reasons given above, the rejections of claims 1-55 are improper. Applicant respectfully requests the final rejection by the Examiner be reversed and claims 1-55 be allowed. Attached below for the Board's convenience an Appendix of claims 1-55 as once amended and currently pending.
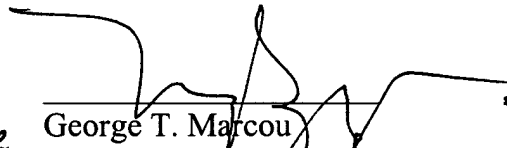
Respectfully submitted,

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APPENDIX

1.　　A method for providing remote access to financial services comprising the steps

of:

a)　　providing at least one business host;

b)　　selectively electronically linking a server to the business host; and

c)　　selectively electronically linking at least one automated teller machine

(ATM) and at least one home banking terminal to the server where a first

user interface displayed on the ATM and a second user interface displayed

on the home banking terminal are substantially the same.

2.　　A method for allowing a first user to gain remote access to financial services, the

method comprising the steps of:

a)　　providing at least one business host;

b)　　selectively electronically linking a server to the business host; and

c)　　selectively electronically linking a remote terminal to the server; and

d)　　displaying information on the remote terminal in a language selected by

the first user during a configuring use of the remote terminal.

3.　　The method of claim 2 further comprising the step of displaying information on

the remote terminal in a second language selected by a second user during a

configuring use of the remote terminal, in which the remote terminal can

distinguish between the first user and the second user during subsequent

accessing of financial services and display the language previously selected by

that user.

4.   A method for allowing a plurality of users to remotely access the financial

services of at least one service provider comprising the steps of:

a)   installing user software on a plurality of remote terminals;

b)   configuring the user software to reflect each user's preferences;

c)   providing a uniform connection between the remote terminals to a

standard international host;

d)   providing a plurality of business applications resident on the standard

international host, in which the configuration of each of the applications is

controlled at the standard international host;

e)   linking the standard international host to the service provider;

f)   providing secure communication between the user, the standard

international host and the service provider;

g)   providing enhanced error detection and correction for communications

between the user, the standard international host and the service provider;

and

h)   providing data compression for communications between the user, the

standard international host and the service provider.

5. The method of claim 4 in which the step of configuring the user's software further comprises the step of selecting a language.

6. A method for performing financial transactions from a location remote from a business host comprising the steps of:

   a) providing an automated teller machine (ATM) having a first user interface;

   b) installing user software on a remote terminal, the remote terminal having a second user interface that is substantially identical to the first user interface;

   c) configuring the user interfaces to display data in a language selected by a user;

   d) establishing an electronic link between the remote terminal and a server; and

   e) establishing an electronic link between the server and a business host.

7. The method of claim 6 further comprising the step of authenticating the identity of a user by comparing a personal identification number (PIN) of a user with a PIN resident on the server.

8.   The method of claim 6 further comprising the step of encrypting and transmitting data between the remote terminal and the server.

9.   The method of claim 6 in which the step of installing user software on a remote terminal is performed by installing the software on a personal computer.

10.   The method of claim 6 in which the step of installing user software on a remote terminal is performed by installing the software on a personal data assistant.

11.   The method of claim 6 further comprising the step of performing a financial transaction.

12.   The method of claim 11 in which the step of performing a financial transaction is performed by editing a payee list.

13.   The method of claim 11 in which the step of performing a financial transaction is performed by authorizing a direct debit.

14.   The method of claim 11 in which the step of performing a financial transaction is performed by deleting a direct debit.

15. The method of claim 11 in which the step of performing a financial transaction is performed by purchasing a mutual fund.

16. The method of claim 11 in which the step of performing a financial transaction is performed by selling a mutual fund.

17. The method of claim 11 in which the step of performing a financial transaction further comprises the steps of:

   a) selecting a mutual fund; and

   b) reviewing a mutual fund.

18. The method of claim 11 in which the step of performing a financial transaction is performed by reviewing account information.

19. The method of claim 11 in which the step of performing a financial transaction is performed by reviewing securities information.

20. The method of claim 11 in which the step of performing a financial transaction is performed by generating a transaction journal.

21. The method of claim 11 in which the step of performing a financial transaction is performed by transferring assets from a first account selected from a plurality of accounts to second account selected from the plurality of accounts.

22. The method of claim 21 further comprising the step of exchanging the assets of the first account to a currency consistent with the second account.

23. The method of claim 11 in which the step of performing a financial transaction is performed by ordering checks.

24. The method of claim 11 in which the step of performing a financial transaction is performed by printing an account statement.

25. The method of claim 11 in which the step of performing a financial transaction is performed by printing a balance summary.

26. The method of claim 11 in which the step of performing a financial transaction is performed by processing a payment.

27. The method of claim 6 in which the step of establishing an electronic link between the remote terminal and a server further comprises the steps of:

a)   sending an authorizing message to the server;

b)   sending the authorizing message to a bank security server; and

c)   sending the authorizing message to a bank hardware encryption device.

28.   The method of claim 6 in which the step of establishing an electronic link between the server and a service provider further comprises the steps of:

a)   sending an authorizing message to the business host; and

b)   sending a message from the business host to the server, in which the message authorizes hookup.

29.   The method of claim 6 further comprising the step of sending a marketing message from the business host to the remote terminal.

30.   A system for providing remote access to financial services comprising:

a)   at least one business host;

b)   a server selectively electronically linked to the business host;

c)   at least one automated teller machine (ATM) having a first user interface displayed thereon, in which the ATM is electronically linked to the server; and

d)   at least one home banking terminal having a second user interface displayed thereon, in which the home banking terminal is electronically

linked to the server and in which the first and second user interfaces are

substantially the same.

31.   A system for providing remote access to financial services comprising:

a)   at least one business host;

b)   a server selectively electronically linked to the business host; and

c)   at least one remote terminal which displays information, the terminal

being selectively electronically linked to the server, in which each time the

system is operated by a first user, the information is displayed in a first

language selected by the first user during a configuring use of the system.

32.   The system of claim 31 in which each time the system is operated by a second

user, the information is is displayed in a second language selected by the second

user during a configuring use of the remote terminal and in which the remote

terminal can distinguish between the first user and the second user during

operations of the system and displays the language previously selected by that

user.

33.   A system for providing remote access to financial services comprising:

a)   at least one business host;

b)   a server selectively electronically linked to the business host;

c)   at least one automated teller machine (ATM) electronically linked to the

server in which the ATM displays a first user interface in a language

selected by a user;

d)   at least one home banking terminal further comprising a user supplied

platform and user software installed thereon in which the home banking

terminal displays a second user interface in the language;

e)   in which the first and second user interfaces are substantially identical.

34.   The system of claim 33 in which the user software further comprises:

a)   a runtime application;

b)   an installation program;

c)   a configuration program; and

d)   a help program.

35.   The system of claim 33 in which the server further comprises:

a)   a packet assembler/dissembler;

b)   a session controller;

c)   a customer activated terminal (CAT) terminal protocol interface;

d)   a terminal application front end;

e)   a CAT session manager;

f)   a CAT common integrator;

g)   an activity log server;

h)   a secure encryption server;

i)   a host message normalizer;

j)   an X.25 normalizer; and

k)   at least one business application.

36.   The system of claim 33 in which the electronic links between the server and the

business host, the ATM and the remote terminal are secure.

37.   The system of claim 33 in which the electronic links between the server and the

business host, the ATM and the remote terminal carry data transmissions in which

at least some of the data transmissions are compressed and in which enhanced

error detection and correction are used to preserve the integrity of the data being

transmitted.

38.   The system of claim 33 further comprising a router.

39.   The system of claim 33 in which the router is a small financial CAT gateway.

40. The system of claim 33 in which there are at least two business hosts where a first of the business hosts is a user's home institution and the second of the business hosts is an outside business provider.

41. The system of claim 35 in which the business application allows the user to edit a payee list.

42. The system of claim 35 in which the business application allows the user to authorize a direct debit.

43. The system of claim 35 in which the business application allows the user to delete a direct debit.

44. The system of claim 35 in which the business application allows the user to purchase a mutual fund.

45. The system of claim 35 in which the business application allows the user to sell a mutual fund.

46. The system of claim 35 in which the business application allows the user select and review a mutual fund.

47.   The system of claim 35 in which the business application allows the user to review account information.

48.   The system of claim 35 in which the business application allows the user to review securities information.

49.   The system of claim 35 in which the business application allows the user to generate a transaction journal.

50.   The system of claim 35 in which the business application allows the user to transfer assets from a first account selected from a plurality of accounts to second account selected from the plurality of accounts.

51.   The system of claim 50 in which the business application allows the user to exchange the assets of the first account to a currency consistent with the second account.

52.   The system of claim 35 in which the business application allows the user to order checks.

53.   The system of claim 35 in which the business application allows the user to print

an account statement.

54.   The system of claim 35 in which the business application allows the user to print

a balance summary.

55.   The system of claim 35 in which the business application allows the user to

process a payment.

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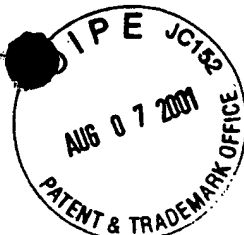
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Anthony WENDELL, et al..

Serial No. 09/077,456

Filed: May 29, 1998

Appeal From
Group Art Unit: 2761

Examiner: Irshadullah, M.

For: IMPROVED METHOD AND SYSTEM FOR PERFORMING BANKING
       TRANSACTIONS, INCLUDING HOME BANKING

TRANSMITTAL OF APPEAL BRIEF

Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith, in triplicate, is the Appeal Brief in this application, with respect to the Final Office Actions dated November 17, 2000 and December 17, 2000. Pursuant to 37 C.F.R. 1.17(c), attached hereto is a check for $310.00.

While it is not believed that any extension of time is necessary, if any extension of time is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 501458

Respectfully submitted,

Anthony WENDELL, et al.

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